

WILLIAMSBURG CITY COUNCIL
July 11, 2002
MINUTES

The Williamsburg City Council held its regular monthly meeting on July 11, 2002, at 2:00 p.m., in the Council Chambers of the Stryker Building.

ATTENDANCE

Present were Ms. Zeidler, Messrs. Genakos, Haulman, Houghland and Tabb. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Department Heads Clayton, Hudson, Nester, Serra, Weiler, Yost, and Ms. Miller, Assistant to the City Manager.

CALL TO ORDER

The meeting was called to order by Mayor Zeidler.

COUNCIL MINUTES

Mr. Tabb Moved Approval of the City Council Minutes of June 13, Special Meeting of June 28, and Organizational Meeting of July 1, 2002. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Genakos, Haulman, Zeidler, Tabb

No: None

Abstain: Mr. Houghland (abstained from voting on the Minutes of June 13 and June 28 because he was absent, but voted "Aye" for the Minutes of July 1, 2002).

MATTERS OF SPECIAL PRIVILEGE

Recognition of Fire Chief T.K. Weiler for 35 Years Service

Mayor Zeidler recognized with pleasure Fire Chief T.K. Weiler who observed his 35th anniversary of employment with the city on May 15. "Buz" was hired in 1967 as a Firefighter and rose through the ranks, gaining experience and becoming an outstanding manager and leader. After several promotions throughout his career with the city, he was appointed as Fire Chief in 1991, and has served with distinction since that time. Mayor Zeidler said the city was fortunate to have someone with his knowledge and sensitivity. She noted Chief Weiler was obviously well liked by his staff since many of them were in attendance. His wife Margie was also present. Mayor Zeidler asked Chief Weiler to join her at the podium. She gave the Chief a gift from the city in appreciation of his service.

Chief Weiler said that throughout his career he had made mistakes, but also did good things. He has always enjoyed working with everyone in the city. The past 35 years have been enlightening, a learning experience, and a rewarding career. He said, "I've had a good time."

Public Hearings

Grant of Easement East of and Adjacent to Lot 3 Northington Block Commerce Lots

Reference for this item was Mr. Phillips report dated July 3, 2002, which included a copy of the advertisement of the public hearing notice. Mr. Nester explained that this easement is for Lot 3 of the City Square Parking Terrace to provide for the location of HVAC equipment and drainage, which will not fit on the lot. The State Code requires that before Council grants the easement, a public hearing must be held.

Mayor Zeidler opened the public hearing.
No one wished to speak. The hearing was closed.

Mr. Genakos Moved That City Council Grant the Easement East of and Adjacent to Lot 3, Northington Block Commerce Lots. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Genakos, Haulman, Zeidler, Houghland, Tabb

No: None

VAC #02-02 Request of Williamsburg Redevelopment and Housing Authority for the Purpose of Adjusting the Property Line Around the Triangle Block, *Proposed Ordinance #02-19*

Reference for this item was Mr. Nester's report dated July 2, 2002 and a copy of the proposed ordinance. Mr. Nester explained that this request is in conjunction with improvements to the Triangle Block. The Williamsburg Redevelopment and Housing Authority (WRHA) is requesting that the right-of-way line around the Triangle Block be adjusted to place the property line at the rear of the five foot public sidewalk. The present property line is old and inconsistent. Using overheads, Mr. Nester reviewed the site plan and proposed changes to the block, including the proposed planters and benches. State Code requires that a public hearing be advertised and held on the right-of-way alteration, and that if necessary, viewers be appointed to study the request. Staff recommended that viewers not be appointed since the impact is small and issues are minor. Staff felt that additional changes were needed to match the revolving downtown streetscape. They recommended that Council approve the proposed ordinance with the contingencies outlined in the proposed ordinance.

Mayor Zeidler opened the public hearing.
No one wished to speak. The public hearing was closed.

Mr. Houghland raised the issue of the contingency requiring the planting of trees on Armistead Avenue and recommended it be deleted. It would be difficult to put them in the limited space, and in the future, there may be adjustment to the city curb.

Mr. Haulman commented that the city and Housing Authority have had many discussions. He agreed that the requirement for trees be dropped. Personally, he thought trees in the streetscape were important, but at this location there was not much room for them.

Mr. Genakos said the Housing Authority had put a lot of thought into the plans. It fits in with the Library, and the signs and lights of Merchants Square. He could not see where the trees would go. Everyone likes trees, but we must be reasonable. He agreed to drop the contingency.

Mr. Tuttle responded to Ms. Zeidler that the recommendation for the trees came from Mr. Cy Palmere of LDR who reviewed the streetscape plan for the downtown area for the city. It may be a challenge to find a way to place the trees.

Mayor Zeidler appreciated the efforts of the Housing Authority to improve this property in a thoughtful way and hoped the Armistead side could be treed.

Council members agreed that Mr. Haulman, as Council's representative to the Housing Authority Board, convey Council's conversation to the Authority.

Mr. Phillips explained that any contingencies must be met before the vacation can be effective. The contingencies are contained in the proposed ordinance.

Mr. Haulman Moved that City Council Approve Proposed Ordinance # 02-19, An Ordinance Adjusting the Right-of Way Line for the Block Bounded by Armistead Avenue, Prince George Street, and Scotland Street, With the Modification That the Following Wording Be Deleted "the modification of the Williamsburg Redevelopment and Housing Authority's plans for the Triangle Building to include at least two additional street trees along Armistead Avenue, their type and locations approved by the City," and that Mr. Haulman, Council's Representative to the WRHA Board, Will Convey to the Board the Spirit of Council's Discussion. The Motion Was Seconded by Mr. Houghland.

Recorded Vote on the Motion:

Aye: Genakos, Haulman, Zeidler, Houghland, Tabb

No: None (SEE ATTACHED ADOPTED ORDINANCE #02-19)

Mayor Zeidler thanked Ms. Sharon Scruggs of the WRHA Board for being present and for her work.

REPORTS

Monthly Financial Statement

The Monthly Financial Statement was received and ordered filed.

Mr. Tuttle reviewed Revenues and Expenditure on Page 3, Receipts of Sales, Room and Meal Taxes on Page 8, and the three-year trends on Page 9.

Monthly Departmental Operating Reports

The Monthly Departmental Reports were received and ordered filed.

Assessments: Members discussed increased assessments because of higher property values. Mr. Tuttle encouraged residents to call Mr. Thacker, Assessor, if they have questions about their taxes. Council members suggested that Mr. Thacker attend a Council meeting to explain the assessment process and criteria.

City Manager Reports

Water Usage Update—Public Works Director Dan Clayton

Mr. Clayton updated Council on the current drought conditions. He reviewed a chart of rainfall data. The average annual rainfall for the year is 38 inches; we have had only 22 inches to date, or 58% of the average annual rainfall. July rainfall has been very low. The

city continues to purchase two million gallons of water per day from Newport News and is using well water.

Mr. Clayton concluded by saying it is not a good picture. The city will continue voluntary water restrictions and the water surcharge, and will follow Newport News and prepare to go to mandatory restrictions if warranted.

Council members and Mr. Clayton discussed:

1. Conditions at the reservoir that would necessitate the city implementing mandatory restrictions.
2. The effect on commercial car washes.
3. Use of residential and commercial irrigation systems.

City Attorney Report

Increase of Real Estate Tax Deferral Qualification Limit in Williamsburg Code Section 18-54 from \$30,000 to \$50,000, *Proposed Ordinance #02-17*

Reference for this item was Mr. Phillips report dated July 3, 2002 and the proposed ordinance. Mr. Phillips explained that the Virginia Code has been amended to increase the tax deferment limitation from \$30,000 to \$50,000 for persons 65 years of age and older. The increase allows for inflation. It is necessary to amend the City Code to bring it into conformity with the State Code.

Mr. Phillips responded to Mr. Genakos that he did not know if the state has considered dropping the 8% interest charge on the deferment. The last time he checked with Mr. Thacker, not many city residents were taking advantage of the tax deferral.

Mr. Houghland Moved that City Council Adopt Proposed Ordinance #02-17, An Ordinance to Amend Section 18-54 of Chapter 18, Article III of the Williamsburg Code to Bring Certain Age and Income Qualifications As Set Forth Therein Into Agreement With Section 58.1-3211 of the Code of Virginia (1950), As Amended. The Motion Was Seconded by Mr. Genakos.

Recorded Vote on the Motion:

Aye: Genakos, Haulman, Zeidler, Houghland, Tabb

No: None (SEE ATTACHED ADOPTED ORDINANCE #02-17)

NEW BUSINESS

Mayor Zeidler said Council would discuss appointments to Boards and Commissions during closed session.

Appointment to Hampton Roads Planning District Commission (7-1-02 to 6-30-04)

Mr. Houghland Moved that City Council Appoint Mayor Jeanne Zeidler as the City's Representative to the Hampton Roads Planning District Commission for a Two Year Term Effective July 1, 2002 to expire June 30, 2004. The Motion Was Seconded By Mr.Haulman.

Recorded Vote on the Motion:

Aye: Genakos, Haulman, Zeidler, Houghland, Tabb

No: None

Mayor Appoints City Council Committee List: Mayor Zeidler asked Ms. Crist to inform the agencies on the list of their new representative.

Open Forum

Mayor Zeidler opened the session.

No one wished to speak. The session was closed.

CLOSED SESSION

Mr. Houghland Moved that City Council go into Closed Session pursuant to Section 2.2-3711 of the Code of Virginia for the purpose of discussing two personnel matters per subparagraph 1, and one legal matter per subparagraph 7 for the purpose of consultation on specific legal matters requiring the provision of legal advice by counsel The Motion was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Genakos, Haulman, Zeidler, Houghland, Tabb

No: None

The meeting adjourned at 2:55 p.m. (Mayor Zeidler called a five-minute recess.)

At 4:00 p.m., Council met in Open Session.

Mr. Houghland Moved the Certification of Closed Meeting. The Motion was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Genakos, Haulman, Zeidler, Houghland, Tabb

No: None

CERTIFICATION OF CLOSED MEETING

Date: July 8, 2002

Motion: Mr. Houghland, Second: Mr. Haulman

WHEREAS, the City Council of the City of Williamsburg has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the City Council that such meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Williamsburg hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public

business matters as were identified in the motion convening the closed session were heard, discussed or considered by the City of Williamsburg.

VOTE:

Aye: Genakos, Haulman, Zeidler, Houghland, Tabb

No: None

Absent During Vote: None

Absent During Meeting: None

The meeting adjourned at 4:01 p.m.

Approved: August 8, 2002

Clerk of Council

Mayor